

## **811 KAR 1:100. Protests.**

RELATES TO: KRS 230.215, 230.260(1)

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(3) authorize the Authority to promulgate administrative regulations prescribing the conditions under which horse racing shall be conducted in Kentucky. This administrative regulation establishes requirements for protests and the effect of protests.

Section 1. Protests. Protests shall:

- (1) Be made only by:
  - (a) An owner;
  - (b) A manager;
  - (c) A trainer; or
  - (d) A driver; and
- (2) Shall be made at any time before distribution of the purse is made;
- (3) Shall be made in writing;
- (4) Shall be sworn to; and
- (5) Shall contain at least one (1) specific charge questioning eligibility which, if true, would prevent the offending horse from competing in the race.

Section 2. The judges shall, in case of protest, demand that the driver and the owner or owners, if present, shall immediately testify under oath. If a person refuses to testify after being ordered to do so and the race has not yet started, that person's horse shall not be allowed to start or continue in the race, but shall be ruled out, and any entrance money shall be forfeited.

Section 3. Unless the judges find satisfactory evidence to warrant excluding the horse, they shall allow a horse to start or continue in the race under protest, and the purse, if any is won by that horse, shall be retained by the association on behalf of the Authority to allow the interested parties to continue the protest proceeding, in accordance with Section 6 of this administrative regulation.

Section 4. Any person who knowingly, and with intent to influence the results of a race, protests a horse falsely and without cause shall be charged pursuant to Section 9(2) of this administrative regulation.

Section 5. This administrative regulation shall not affect the distribution of the pari-mutuel pools at tracks where pari-mutuel wagering is conducted, if the distribution is made upon the official placing at the conclusion of the heat or dash.

Section 6. (1) A protest shall be reviewed and appealed in accordance with the procedures set forth in 811 KAR 1:105 and KRS Chapter 13B.

(2) The purse money affected shall be deposited with the Association pending the decision of the protest review or appeal.

Section 7. A judge who refuses to accept a protest shall be in violation of this administrative regulation.

Section 8. A person who has knowledge, prior to a race, of information that would prevent an

ineligible horse from running in a race, and who fails to file a protest prior to the race with regard to that horse, shall have waived the right to protest after the race if the protest would have prevented the ineligible horse from running in the race.

Section 9. Penalties. (1) A person or association that violates a provision of this administrative regulation, with the exception of Section 4 of this administrative regulation, shall have committed a Category 1 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(1).

(2) Any person or association that violates Section 4 of this administrative regulation shall have committed a Category 2 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(2).

Section 10. Material Incorporated by Reference. (1) "Protest, KHRA Form 200-2", 3/07, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing Authority, 4063 Iron Works Pike, Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the KHRA Web site at [www.khra.ky.gov](http://www.khra.ky.gov). (KTC 1-8 (Rule 23); 1 Ky.R. 1115; eff. 6-11-75; 33 Ky.R. 968; 3198; eff. 5-4-2007.)